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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. 07-0222 SI
Plaintiff,)	
v.)	PLEA AGREEMENT
KIRK J. RADOMSKI,)	
Defendant.)	

I, Kirk J. Radomski, and the United States Attorney's Office for the Northern District of California (hereafter "the government") enter into this written plea agreement (the "Agreement") pursuant to Rule 11(c)(1)(A) of the Federal Rules of Criminal Procedure:

The Defendant's Promises

I. I agree to plead guilty to counts one and two of the captioned information charging me with in Count One: Distribution of a Controlled Substance (anabolic steroids), in violation of 21 U.S.C. § 841(a)(1), and in Count Two: Money Laundering, in violation of 18 U.S.C. § 1956(a)(1)(A)(i). I agree that the elements of the offenses and the maximum penalties

PLEA AGREEMENT
CR 07-0222 SI

for each offense are as follows:

COUNT ONE - DISTRIBUTION OF A CONTROLLED SUBSTANCE - ELEMENTS

(1) I delivered a controlled substance, that is anabolic steroids;

(2) Knowing that it was a controlled substance or some other prohibited drug.

COUNT ONE--PENALTIES

a.	Maximum prison sentence	5 years imprisonment
b.	Maximum fine	\$ 250,000
c.	Maximum supervised release term	3 years
d.	Mandatory special assessment	\$ 100
e.	Restitution	None

COUNT TWO - MONEY LAUNDERING - ELEMENTS

(1) I conducted a financial transaction;

(2) Knowing that the money involved in the financial transaction represented the proceeds of the illegal distribution of anabolic steroids;

(3) With the intention of promoting the carrying on of the illegal distribution of anabolic steroids;

(4) The property in the financial transaction in fact represented the proceeds of the illegal distribution of anabolic steroids.

COUNT TWO--PENALTIES

a.	Maximum prison sentence	20 years imprisonment
b.	Maximum fine	\$ 250,000 or twice the gross gain or gross loss, whichever is greater
c.	Maximum supervised release term	Three years
d.	Mandatory special assessment	\$ 100
e.	Restitution	Amount of proceeds laundered

I understand that, because I am pleading guilty to more than one count, the Court may order the sentences on those counts to run consecutively.

1 2. I agree that I am guilty of the offenses to which I will plead guilty, and I agree that
2 the following facts are true:

3 A. Beginning in approximately 1995 and continuing through until December 14,
4 2005 when a search warrant was executed at my residence, I distributed anabolic steroids and
5 other performance-enhancing drugs, including Human Growth Hormone and Clenbuterol, as well
6 as amphetamines, to dozens of current and former Major League Baseball players (on teams
7 spread throughout Major League Baseball) and associates. I deposited the payments for those
8 anabolic steroids into my personal bank account and I then used the proceeds to finance
9 my residence, which was the base of operation, warehouse, and communication center for my
10 anabolic steroid-dealing business.

11 B. During my past employment in Major League Baseball I developed contacts with
12 Major League Baseball players throughout the country to whom I subsequently distributed
13 anabolic steroids and athletic performance-enhancing drugs. I had personal contact with some of
14 my baseball drug clients, but consulted and conducted drug transactions with others over the
15 telephone and the mail.

16 C. On December 7, 2005, I received an order for anabolic steroids that I believed was
17 for a friend of a prior steroid customer who wanted to have the steroids shipped to San Jose,
18 California. I shipped a package containing two vials of deca-durabolin and two vials of
19 testosterone, both anabolic steroids, to the San Jose address. I knew that these items were
20 anabolic steroids and that it was illegal for me to distribute them.

21 D. Over the course of time that I was distributing anabolic steroids and other
22 performance-enhancing drugs, I regularly received payment in the form of personal checks for
23 these drugs from the players and associates to whom I sold. I deposited these checks into my
24 personal bank account at North Fork Bank and paid my home mortgage from this account. In
25 particular, on January 24, 2005, I deposited a check for \$2,000 that was payment for anabolic
26 steroids into my personal bank account at North Fork Bank. I agree and admit that this check
27 constituted payment for a shipment of anabolic steroids I sent to an address in the Northern
28 District of California, and that the check itself was sent to me from an address in the Northern

1 District of California.

2 3. I agree to give up all rights that I would have if I chose to proceed to trial,
3 including the rights to a jury trial with the assistance of an attorney; to confront and
4 cross-examine government witnesses; to remain silent or testify; to move to suppress evidence or
5 raise any other Fourth or Fifth Amendment claims; to any further discovery from the government
6 and to pursue any affirmative defenses and present evidence. I also agree to waive venue, if
7 necessary, based on the charges filed in this case.

8 4. I agree to give up my right to appeal my convictions, the judgment, and orders of
9 the Court. I also agree to waive any right I may have to appeal any aspect of my sentence,
10 including any orders relating to forfeiture and/or restitution.

11 5. I agree not to file any collateral attack on my conviction(s) or sentence, including
12 a petition under 28 U.S.C. § 2255, or 28 U.S.C. § 2241, or motion under 18 U.S.C. § 3582, at
13 any time in the future after I am sentenced, except for a claim that my constitutional right to the
14 effective assistance of counsel was violated.

15 6. I agree not to ask the Court to withdraw my guilty pleas at any time after
16 they are entered. In exchange for the United States entering into this agreement, and pursuant
17 to United States v. Mezzanatto, 513 U.S. 196 (1995), upon my statement of "guilty" or
18 acknowledgment of guilt at the plea hearing, (a) I agree that the facts set forth in Paragraph 2 of
19 this plea agreement shall be admissible against me under Fed. R. Evid. 801(d)(2)(A) in any
20 subsequent proceeding, including at trial, in the event the defendant does not plead guilty or
21 moves to withdraw the guilty plea to the charges in the information, and (b) I
22 expressly waive any and all rights under Fed. R. Crim. P. 11(f) and Fed. R. Evid. 410 with regard
23 to the facts set forth in Paragraph 2 of this plea agreement in such subsequent proceeding.

24 7. I agree that the Court will calculate my sentencing range under the Sentencing
25 Guidelines. I understand that the Court, while not bound to apply the Guidelines, must consult
26 those Guidelines and take them into account when sentencing, together with the factors set forth
27 in 18 U.S.C. § 3553(a). I agree that, regardless of any other provision in this Agreement, the
28 government may and will provide to the Court and the Probation Office all information relevant

1 to the charged offenses or the sentencing decision. I also agree that the Court is not bound by the
2 Sentencing Guidelines calculations above, the Court may conclude that a higher guideline range
3 applies to me, and, if it does, I will not be entitled, nor will I ask, to withdraw my guilty pleas.

4 8. I agree that the Court may order and, if so, I will pay, restitution. I agree that I
5 will make a good faith effort to pay any fine, forfeiture, or restitution I am ordered to pay. Before
6 or after sentencing, I will, upon request of the Court, the government, or the U.S. Probation
7 Office, provide accurate and complete financial information, submit sworn statements and give
8 depositions under oath concerning my assets and my ability to pay, surrender assets I obtained as
9 a result of my crimes, and release funds and property under my control in order to pay any fine,
10 forfeiture, or restitution. I agree to pay the special assessment at the time of sentencing.

11 9. I agree to cooperate with the U.S. Attorney's Office before and after I am
12 sentenced. My cooperation will include, but will not be limited to, the following:

- 13 a. I will respond truthfully and completely to any and all questions put to me, whether in
14 interviews, before a grand jury or at any trial or other proceeding;
- 15 b. I will provide all documents and other material asked for by the government;
- 16 c. I will testify truthfully at any grand jury, court or other proceeding as requested by the
17 government;
- 18 d. I will surrender any and all assets acquired or obtained directly or indirectly as a result
19 of my illegal conduct;
- 20 e. I will request continuances of my sentencing date, as necessary, until my cooperation
21 is completed;
- 22 f. I will not reveal my cooperation, or any information related to it, to anyone without
23 prior consent of the government.
- 24 g. I will participate in undercover activities under the supervision of law enforcement
25 agents or the U.S. Attorney's Office.
- 26 h. I will cooperate with non-governmental anti-doping agencies at the direction of the
27 government. I understand that this cooperation may include interviews, statements, or
28 other proceedings.

10. I agree that the government's decision whether to file a motion pursuant to
U.S.S.G. § 5K1.1, as described in the government promises section below, is based on its sole
and exclusive decision of whether I have provided substantial assistance and that decision will be
binding on me. I understand that the government's decision whether to file such a motion, or the

1 extent of the departure recommended by any motion, will not depend on whether convictions are
2 obtained in any case. I also understand that the Court will not be bound by any recommendation
3 made by the government.

4 11. I agree not to commit or attempt to commit any crimes before sentence is imposed
5 or before I surrender to serve my sentence; violate the terms of my pretrial release (if any); not to
6 intentionally provide false information or testimony to the Court, the Probation Office, Pretrial
7 Services, or the government; and not to fail to comply with any of the other promises I have
8 made in this Agreement. I agree that, if I fail to comply with any promises I have made in this
9 Agreement, then the government will be released from all of its promises, but I will not be
10 released from my guilty pleas.

11 12. If I am prosecuted after failing to comply with any promises I made in this
12 Agreement, then (a) I agree that any statements I made to any law enforcement or other
13 government agency or in Court, whether or not made pursuant to the cooperation provisions of
14 this Agreement, may be used in any way; (b) I waive any and all claims under the United States
15 Constitution, Rule 11(f) of the Federal Rules of Criminal Procedure, Rule 410 of the Federal
16 Rules of Evidence, or any other federal statute or rule, to suppress or restrict the use of my
17 statements, or any leads derived from those statements; and (c) I waive any defense to any
18 prosecution that it is barred by a statute of limitations, if the limitations period has run between
19 December 14, 2005 and the date I am indicted.

20 13. I agree that this Agreement contains all of the promises and agreements between
21 the government and me, and I will not claim otherwise in the future.

22 14. I agree that this Agreement binds the U.S. Attorney's Office for the Northern
23 District of California only, and does not bind any other federal, state, or local agency.

24 The Government's Promises

25 15. The government agrees not to file any additional charges against the defendant
26 that could be filed as a result of the investigation that led to the pending indictment.

27 16. The government agrees not to use any statements made by the defendant pursuant
28 to this Agreement against him, unless the defendant fails to comply with any promises in this

1 agreement. The government agrees not to use any statements made by the defendant pursuant to
2 this Agreement against him, unless the defendant fails to comply with any promises in this
3 agreement, except that the factual basis in this plea agreement may be used for the purposes
4 noted in paragraph 6.

5 17. If, in its sole and exclusive judgment, the government decides that the defendant
6 has cooperated fully and truthfully, provided substantial assistance to law enforcement authorities
7 within the meaning of U.S.S.G. § 5K1.1, and otherwise complied fully with this Agreement, it
8 will file with the Court a motion under § 5K1.1 and, if applicable, 18 U.S.C. § 3553 that explains
9 the nature and extent of the defendant's cooperation and recommends a downward departure.

10 18. Based on the information now known to it, the government will not oppose a
11 downward adjustment of two levels for acceptance of responsibility under U.S.S.G. § 3E1.1
12 provided that I forthrightly admit my guilt, cooperate with the Court and the Probation Office in
13 any presentence investigation ordered by the Court, and continue to manifest an acceptance of
14 responsibility through and including the time of sentencing.

15 The Defendant's Affirmations

16 19. I confirm that I have had adequate time to discuss this case, the evidence, and this
17 Agreement with my attorney, and that he has provided me with all the legal advice that I
18 requested.

19 20. I confirm that while I considered signing this Agreement and, at the time I signed
20 it, I was not under the influence of any alcohol, drug, or medicine.


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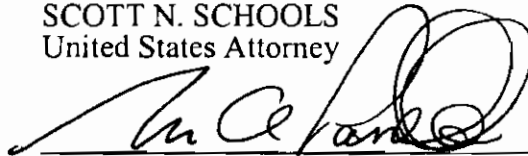
21. I confirm that my decision to enter a guilty plea is made knowing the charges that have been brought against me, any possible defenses, and the benefits and possible detriments of proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no one coerced or threatened me to enter into this Agreement.

Dated: 4/26/07


KIRK J. RADOMSKI
Defendant

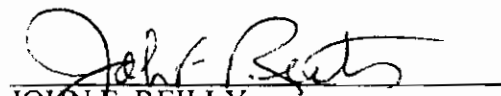
SCOTT N. SCHOOLS
United States Attorney

Dated: 4/26/07


MATTHEW A. PARRELLA
JEFFREY D. NEDROW
JEFFREY R. FINIGAN
Assistant United States Attorneys

I have fully explained to my client all the rights that a criminal defendant has and all the terms of this Agreement. In my opinion, my client understands all the terms of this Agreement and all the rights he is giving up by pleading guilty, and, based on the information now known to me, his decision to plead guilty is knowing and voluntary.

Dated: 4/26/07


JOHN F. REILLY
Attorney for Defendant